

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

NEXT CLEANERS, LLC,

Plaintiff

v.

JONATHAN MIODUSZEWSKI, et al.,

Defendants.

Case No.: 17-00222-MCA-MAH

Honorable Madeline C. Arleo, U.S.D.J.

**NOTICE OF MOTION TO DISMISS
COMPLAINT AS TO DEFENDANT JON
SIMKOWITZ PURSUANT TO FED. R. CIV.
P. 12(b)(6)**

Hearing Date: March 20, 2017 at 9:00 a.m.

Oral Argument: Waived, Unless Timely
Objection Filed

TO: Julio C. Gomez, Esq.
Gomez, LLC
Attorney At Law
310 Morris Avenue, Suite 301
Elizabeth, NJ 07201
jgomez@gomezllc.com
Counsel to Plaintiff, Next Cleaners, LLC
Via First Class Mail and Email

All Parties Requesting Notice via CM/ECF

PLEASE TAKE NOTICE that on March 20, 2017 at 9:00 a.m., defendant Jon Simkowitz (the “Defendant”), by and through his counsel, Middlebrooks Shapiro, P.C., shall move before the Honorable Madeline C. Arleo, United States District Court, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 07101, seeking entry of an *Order Dismissing Complaint As To Defendant Jon Simkowitz Pursuant To Fed. R. Civ. P. 12(b)(6)* (the “Motion”).

PLEASE TAKE FURTHER NOTICE, that pursuant to Civ. Rule 7.1, in support of the within Motion, the Defendant will rely upon this Notice of Motion, the Application, the Certification, and the proposed Order submitted herewith, as well as oral arguments of counsel (if necessary). Pursuant to Civ. Rule 7.1(d)(4), the Plaintiff states that no brief or

memorandum of law is necessary because of the absence of novel questions of law. However, if any responsive papers are filed in opposition to the Application, the Defendant reserves the right to respond to any issues of law raised therein in the form of a brief or a memorandum of law.

PLEASE TAKE FURTHER NOTICE, that pursuant to Civ. Rule 7.1, objections, if any, to the Motion must be in writing, must conform to the requirements of the Federal Rules of Civil Procedure and the Local Civil Rules for the District of New Jersey, set forth the name of the objector, the basis for the objection and the specific grounds therefor, and must be filed with the Clerk of the Court at least fourteen (14) days prior to the hearing date indicated herein with copies filed simultaneously served upon:

MIDDLEBROOKS SHAPIRO, P.C.
841 Mountain Avenue, First Floor
Springfield, New Jersey 07081

PLEASE TAKE FURTHER NOTICE, that failure of any person or entity receiving notice of the Motion to file objections thereto on a timely basis shall be a bar to the assertion of an objection to the entry by the Court of the proposed Order, as same may be modified, and the within Motion shall be deemed uncontested.

Respectfully submitted,

MIDDLEBROOKS SHAPIRO, P.C.
841 Mountain Avenue, First Floor
Springfield, New Jersey 07081
(973) 218-6877
(973) 218-6878 (fax)
jshapiro@middlebrooksshapiro.com
Attorneys for Defendant Jon Simkowitz

/s/ Joseph M. Shapiro

By: Joseph M. Shapiro, Esq.

Dated: February 24, 2017